



Docket No. 20523 US (C038435/0120240)

1615
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)

Chyi-Cheng CHEN and Bruno LEUENBERGER)

Serial No.: 09/726,880)

Filed: November 30, 2000)

For: **A VITAMIN POWDER COMPOSITION
AND METHOD OF MAKING**)

Examiner: L.S. Channavajjala

Art Unit: 1615

New York, New York
December 1, 2006

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to make of record the following documents (a Form PTO/SB/08 listing the documents is enclosed). The following documents were cited in a NOTICE OF OPPOSITION in a European counterpart application of the above-captioned case.

U.S. PATENT DOCUMENTS

	<u>Document No.</u>	<u>Date</u>
A6	2,824,807	02/25/1958
A7	3,138,532	06/23/1964
A8	4,935,245	06/19/1990
A9	5,152,923	10/06/1992
A10	5,478,569	12/26/1995

FOREIGN PATENT DOCUMENTS

	<u>Document No.</u>	<u>Date</u>	<u>Country</u>
B10	WO 99/42134	08/26/1999	PCT
B11	FR 2 281 961	03/12/1976	France
B12	WO 98/47464	10/29/1998	PCT
B13	EP 1 010 716	06/21/2000	Europe

OTHER PUBLICATIONS

- C1 Patent Abstracts of Japan, "*Production of dried powder containing lipophilic vitamin and/or carotenoid*," Publication No. 11-158063 (1999).
- C2 Pharmacie galénique - Bonnes pratiques de fabrication des médicaments, 7th ed., pp. 64-68, and 149-156.
- C3 Desrumaux & Marcand, "*Formation of sunflower oil emulsions stabilized by whey proteins with high-pressure homogenization (up to 350 MPa): effect of pressure on emulsion characteristics*," Int'l. J. Food Sci. & Tech., Vol. 37, pp. 263-269 (2002).
- C4 Derwent English Language Abstract No. 0001054035, WPI ACC NO: 1976-14935X/ of French Patent No. 2 281 961 (1976).

Applicants request that these documents be considered by the Examiner and made of record in this file. The Examiner is also asked to initial and return a copy of the enclosed Form PTO/SB/08 to evidence such consideration.

Document B11 is not in English. Therefore, a Derwent English language abstract is provided as Document C4.

All documents cited in the NOTICE OF OPPOSITION are identified herein and copies of all documents, other than the U.S. patent documents and documents previously submitted, are provided. See MPEP § 609.04(a)(II) (8th Ed., Rev. 5, August 2006, p. 600-153).

This Supplemental Information Disclosure Statement is being filed in accordance with the provisions of 37 CFR § 1.97(c)(2), before the mailing of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution of the application, and is accompanied by the fee set forth in § 1.17(p).

Accordingly, a check in the amount of \$180.00 is enclosed to cover the required fee. If any other fee is due, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 1, 2006


Stephen J. Brown, Reg.No. 43,519

Respectfully submitted,

By: 

Stephen J. Brown
Registration No. 43,519
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104
Phone: (212) 541-2000
Fax: (212) 541-4630

Complete if Known

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	09/726,880
Filing Date	November 30, 2000
First Named Inventor	Chyi-Cheng CHEN
Art Unit	1614
Examiner Name	L.S. Channavajjala
Attorney Docket Number	20523 US (C038435/0120240)

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	B10	WO 99/42134	08-26-1999	BASF Corporation		
	B11	FR 2 281 961	03-12-1976	F. Hoffmann-La Roche & Cie.		
	B12	WO 98/47464	10-29-1998	Avon Products, Inc.		
	B13	EP 1 010 716 A2	06-21-2000	Dow Corning Corporation		

**Examiner
Signature**

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached:

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND**

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	09/726,880
		Filing Date	November 30, 2000
		First Named Inventor	Chyi-Cheng CHEN
		Art Unit	1615
		Examiner Name	L.S. Channavajjala
Sheet 2	of 2	Attorney Docket Number 20523 US (C038435/0120240)	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Patent Abstracts of Japan, "Production of dried powder containing lipophilic vitamin and/or carotenoid," Publication No. 11-158063 (1999).	
	C2	Pharmacie galenique - Bonnes pratiques de fabrication des medicaments, 7th ed., pp. 64-68, and 149-156.	
	C3	Desrumaux & Marcand, "Formation of sunflower oil emulsions stabilized by whey proteins with high-pressure homogenization (up to 350 Mpa): effect of pressure on emulsion characteristics," Int'l. J. Food Sci. & Tech., Vol. 37, pp. 263-269 (2002).	
	C4	Derwent English language Abstract No. 0001054035, WPI ACC NO: 1976-14935X/ of French Patent Publication No. 2 281 961 (1976).	

Examiner Signature		Date Considered	
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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